



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

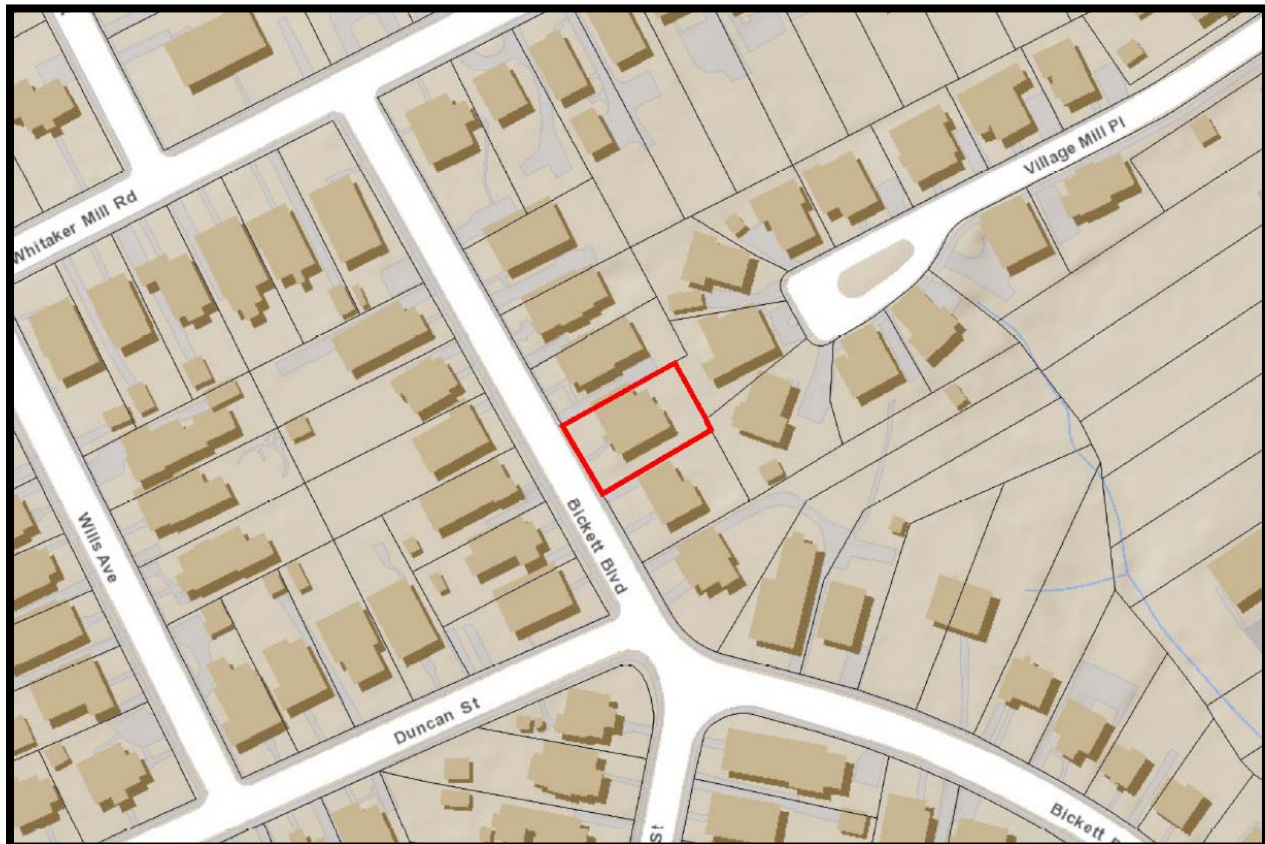
Case File: A-110-17

Property Address: 1806 Bickett Boulevard

Property Owner: Paul and Sara Fitzpatrick

Project Contact: Isabel Mattox

Nature of Case: A request for a 1.2' variance to the side yard setback requirements set forth in Section 2.2.1. of the Unified Development Ordinance to enclose a side porch and a 2.2' variance to the encroachments allowed under Section 1.5.4.D.1.b. of the Unified Development Ordinance to accommodate an associated stoop and steps that results in a 3.8' side setback for the enclosed addition and an .8' setback for the stoop and steps on a .14 acre parcel zoned Residential-10 and Neighborhood Conservation Overlay District and located at 1806 Bickett Boulevard..



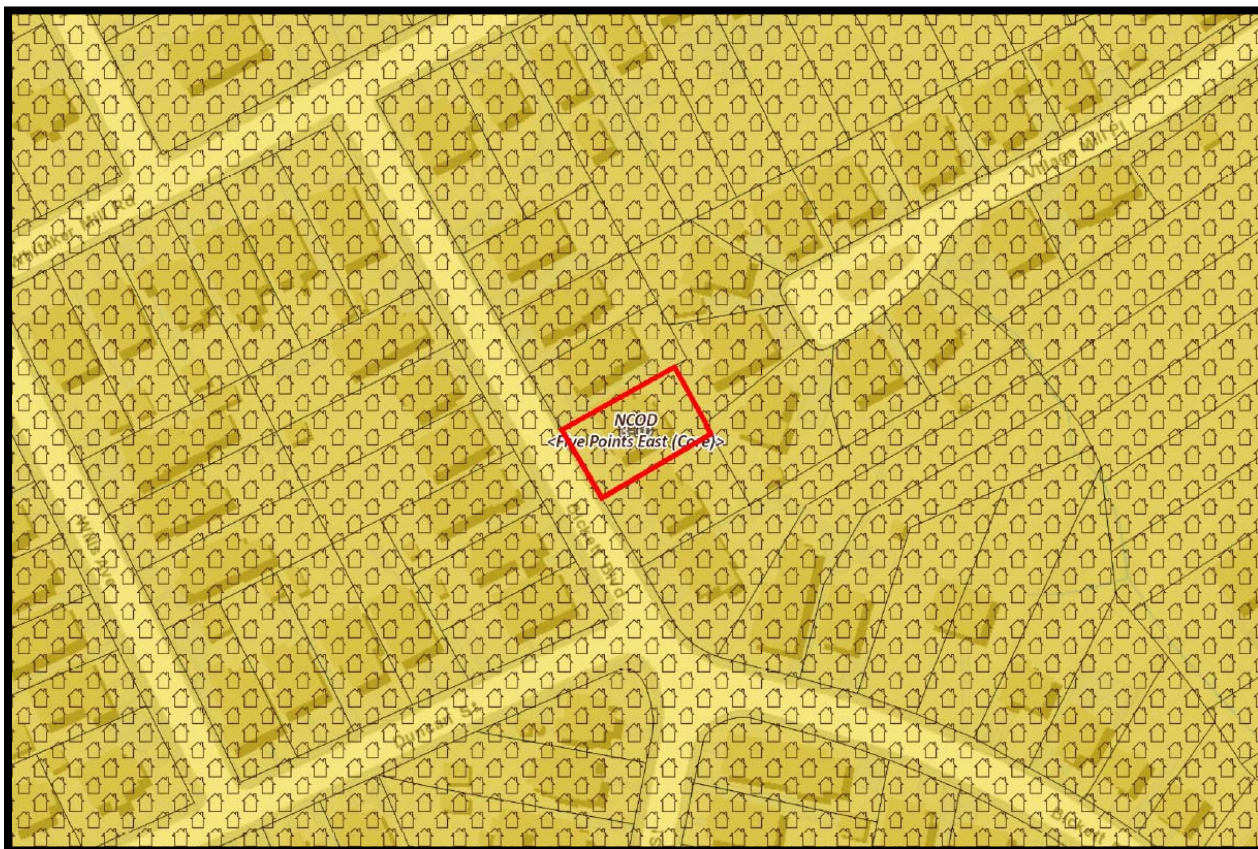
1806 Bickett Boulevard – Location Map

To BOA: 9-11-17

Staff Coordinator: Eric S. Hodge, AICP

ZONING

DISTRICTS: Residential-10 and Neighborhood Conservation Overlay District (5 Points East)



1806 Bickett Boulevard – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Zoning District Standards: The subject property is zoned Residential-10 and Neighborhood Conservation Overlay District.

R-10 Primary Structure Setbacks

Primary Street	10'
Side Street	10'
Side	5'
Rear	20'

Five Points East NCOD

- a. Maximum lot size: 13,067 SF
- b. Front yard setback: Within 10% of the average front yard setback of houses on the same block face as the new construction.
- c. Maximum building height: 2 stories, 35 feet. Buildings may exceed 35 feet when the average height of houses on the same block face as the new construction exceeds 35 feet, and then the allowed height shall be within 10% of the average height of houses in the same block face as the new construction.'

Sec. 1.5.4.DSetback Encroachments

All buildings and structures must be located at or behind required setbacks, except as listed below. Underground structures covered by the ground may encroach into a required setback.

1. Building Features

- a. Porches (raised structures attached to a building forming a covered entrance) may extend up to 9 feet, including the steps, into a required setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
- b. Stoops (small raised platforms that serve as entrances to buildings) may extend up to 6 feet into a required setback, provided that the landing is at least 3 feet from the vertical plane of any lot line. Stoops may be covered but cannot be fully enclosed.
- c. Balconies (platforms projecting from the wall of a building with a railing

along its outer edge, often accessible from a door or window) may extend up to 6 feet into a required setback, provided that the landing is at least 3 feet from the vertical plane of any lot line. Balconies can be covered but cannot be fully enclosed.

d. Galleries (covered passages extending along the outside wall of a building supported by arches or columns that are open on 1 side), must have a clear depth from the support columns to the building's façade of at least 8 feet and a clear height above the sidewalk of at least 10 feet. A gallery may extend into a required street setback. A gallery may not extend into a required side setback.

e. Chimneys or flues may extend up to 4 feet, provided that such extension is at least 3 feet from the vertical plane of any lot line.

f. Building eaves, roof overhangs, awnings and light shelves may extend up to 5 feet, provided that such extension is at least 3 feet from the vertical plane of any lot line.

g. Bay windows, oriel, vestibules and similar features that are less than 10 feet wide may extend up to 4 feet, provided that such extension is at least 3 feet from the vertical plane of any lot line.

h. Unenclosed fire escapes or stairways may extend up to 4 feet into a required side or rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.

i. Unenclosed patios, decks or terraces may extend up to 4 feet into a required side setback, or up to 8 feet into a required rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.

j. Cornices, belt courses, sills, buttresses or other similar architectural features may project up to 1½ feet.

k. Handicap ramps may project to the extent necessary to perform their proper function.

l. If a variance is not required, a building feature may encroach into the right-of-way, provided a license for the use of the right-of-way is obtained from the City, which is terminable at will by the City.

Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST		OFFICE USE ONLY
Nature of variance request (if more space is needed, submit addendum on separate sheet): See attached Exhibit A.		Transaction Number A-110-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number. 521749		

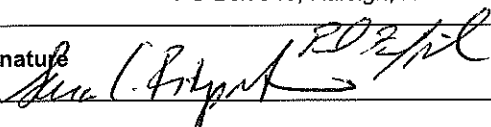

GENERAL INFORMATION		
Property Address 1806 Bickett Boulevard		Date August 11, 2017
Property PIN 1704686160	Current Zoning R-10 with NCOD	
Nearest Intersection Bickett Blvd. and E. Whitaker Mill Rd.		Property size (in acres) 0.14 acres
Property Owner Paul Gary Fitzpatrick & Sara Coleman Fitzpatrick	Phone	Fax
Owner's Mailing Address	Email	
Project Contact Person Isabel Worthy Mattox	Phone 919-828-7171	Fax 919-831-1205
Contact Person's Mailing Address PO Box 946, Raleigh, NC 27602	Email isabel@mattoxfirm.com	
Property Owner Signature 	Email	
Notary Sworn and subscribed before me this 5 th day of August, 2017	Notary Signature and Seal <div style="border: 1px solid black; padding: 5px; text-align: center;">JOSE B LANTIGUA Notary Public Wake Co., North Carolina My Commission Expires April 12, 2022</div> 	

EXHIBIT A
To Application for Variance

Property Owner: Paul Gary Fitzpatrick & Sara Coleman Fitzpatrick
Property Address: 1806 Bickett Boulevard

Nature of Request:

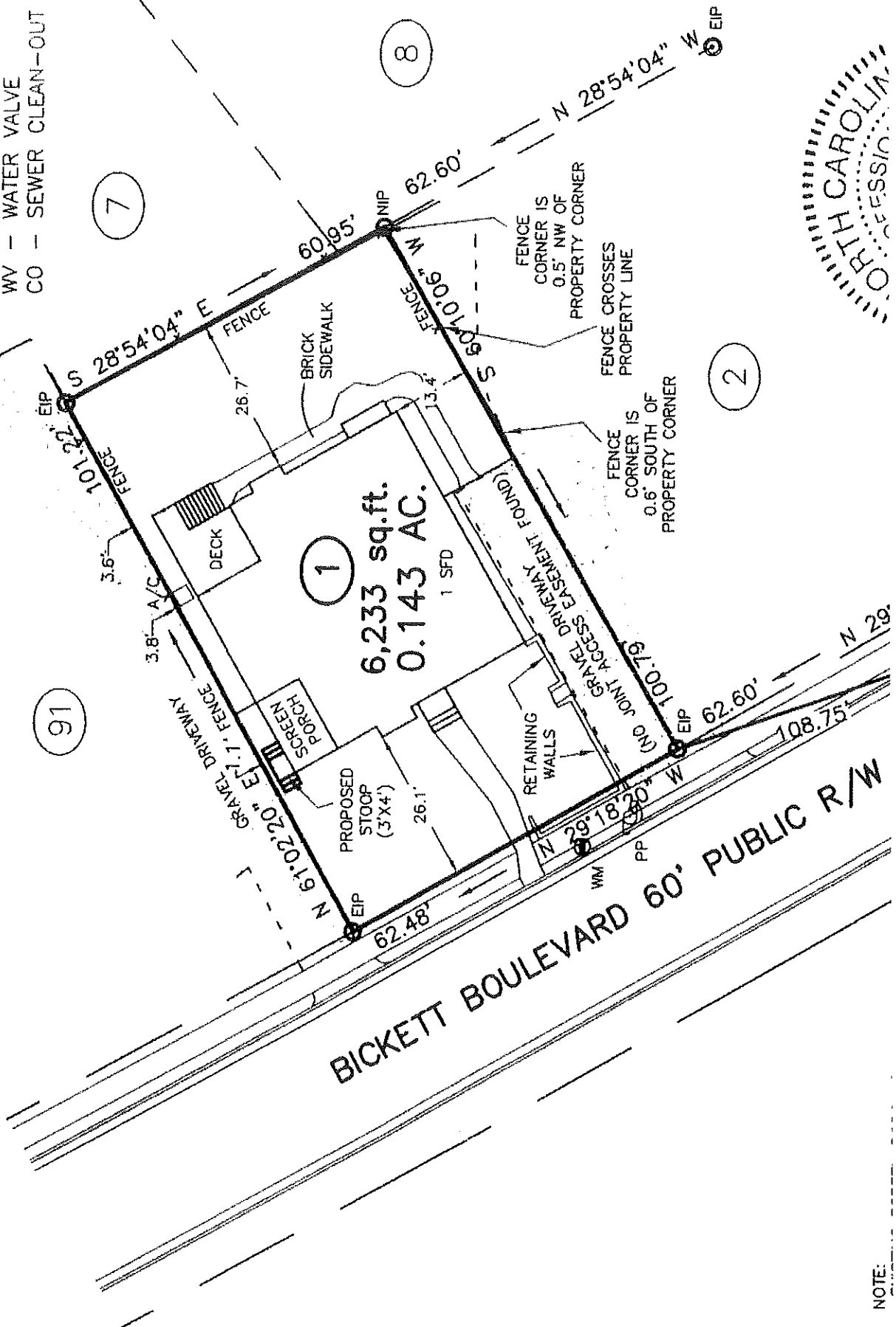
Applicant seeks a 1.2-foot variance in the five foot (5') side setback requirement along the northwestern property line under UDO Section 2.2.1.B.3 to accommodate an enclosed side porch, and a 2.2-foot variance of the 3-foot stoop setback requirement under UDO Section 1.5.4.D.1.b to accommodate the associated stoop and steps to the stoop along the northwestern property line.

The subject porch has existed since at least 2011 as a mostly enclosed but screened porch and existed as an enclosed porch prior to that time. Tax record photos from 1995 show the structure as enclosed space. Because of this history, the owners and contractor were unaware that an enclosure of the porch would violate the setback rules.

Hardship in this case stems from the narrowness of the lot and the pre-existing location of the porch, making the enclosed porch an efficient and economical way of adding to the conditioned space.

This variance is mitigated by the following:

1. There has been no enlargement of the footprint of the porch, so there is no increase in massing or deprivation of light and air.
2. The enclosure of the space will actually allow more privacy for both the abutting neighbor and the applicant as activities on the porch area will be enclosed, reducing noise which might emanate from the porch.
3. Historically, this structure has been used as enclosed space.



1704686160
FITZPATRICK, PAUL G COLEMAN, SARA
1806 BICKETT BLVD
RALEIGH NC 27608-2428

1704675948
DAVIDSON, KELLY ANN
1803 BICKETT BLVD
RALEIGH NC 27608-2427

1704675974
BENNETT, KRISTEN NICOLE
1801 BICKETT BLVD
RALEIGH NC 27608-2427

1704676836
GILBERT, ROBERT S CAVE, MARIE
LAWSON
1709 DARE ST
RALEIGH NC 27608-2409

1704677973
ELIOPOULOS, MARIA
1720 BICKETT BLVD
RALEIGH NC 27608-2544

1704684075
LINZEL, KARI ELLEN
1807 BICKETT BLVD
RALEIGH NC 27608-2427

1704684135
POE, JOHN-THOMAS HOBBY POE, MARISA
RENDEIRO
1811 BICKETT BLVD
RALEIGH NC 27608-2427

1704684150
PERRY, DWAYNE M
1809 BICKETT BLVD
RALEIGH NC 27608-2427

1704685033
HERRING, BRIAN L ADKINS, ROGER K
1805 BICKETT BLVD
RALEIGH NC 27608-2427

1704685294
HOYT, STEPHEN SCOTT HOYT, ANDREA
LYNN
1812 BICKETT BLVD
RALEIGH NC 27608-2428

1704686094
HAYES, JAY LEGRANDE
1804 BICKETT BLVD
RALEIGH NC 27608-2428

1704686129
GURLEY, MARK B
1810 BICKETT BLVD
RALEIGH NC 27608-2428

1704686145
BICKETT 1808, LLC
507 GUILFORD CIR
RALEIGH NC 27608-1699

1704686318
KING, LOUISA M
106A E WHITAKER MILL RD
RALEIGH NC 27608-2560

1704687040
ELIOPOULOS, CRESTO DEMETRIOS
2403 MOUNT VERNON CHURCH RD
RALEIGH NC 27614-9221

1704687156
MILLER, WESLEY A MILLER, BLAIR A
100 VILLAGE MILL PL
RALEIGH NC 27608-2575

1704687181
HOLLOWELL, JOHN M HOLLOWELL, LISA D
104 VILLAGE MILL PL
RALEIGH NC 27608-2575

1704687222
DAMUTZ, EDWARD C IIAMES-DAMUTZ,
ELIZABETH W
105 VILLAGE MILL PL
RALEIGH NC 27608-2576

1704688154
EUBANK, JOHN Y III EUBANK, KELLY A
108 VILLAGE MILL PL
RALEIGH NC 27608-2575